

RECORD OF PROCEEDINGS

Minutes of the Riverside City Council Meeting

Held on Thursday, April 13, 2023

Riverside, OH

CALL TO ORDER: Mayor Williams called the Riverside, Ohio City Council Work Session to order at 6:01 pm at the Riverside Administrative Offices located at 5200 Springfield Street, Suite 100, Riverside, Ohio, 45431.

PLEDGE OF ALLEGIANCE: Mayor Williams led the pledge of allegiance.

ROLL CALL: Council attendance was as follows: Mr. Denning, present; Mrs. Franklin, present; Ms. Fry, present; Mr. Joseph, present; Ms. Lommatzsch, present; Mr. Maxfield, present; and Mayor Williams, present.

Staff present was as follows: Josh Rauch, City Manager; Kathy Bartlett, Public Service Director; Nia Holt, Zoning Administrator; and Katie Lewallen, Clerk of Council.

EXCUSE ABSENT MEMBERS: No members were absent.

ADDITIONS OR CORRECTIONS TO AGENDA: No changes were made to the agenda.

APPROVAL OF AGENDA: Deputy Mayor Lommatzsch moved, seconded by Mr. Joseph, to approve the agenda as presented. All were favor. **Motion carried.**

WORK SESSION ITEMS:

I. Council/Mayor Salary – Mr. Rauch stated since they are unable to index the rate of pay, he has brought forward an ordinance that adjusts their rate of pay according to the inflation adjustments they ran through the Bureau of Labor Statistics. This will take salaries from \$4,000/year for council members to \$8,000/year and the salary from \$6,000/year for mayor to \$12,000/year. This is similar to what peer communities around them have done. The draft language includes text to codify the ordinance within the City of Riverside Codified Ordinances under the Administrative Code referencing the Charter in the event down the road there is question as to how the change in salaries were adjusted. This will be brought forward at the next council meeting. These salaries will go into effect with next elections of each council seat.

II. Table of Organization – Mr. Rauch stated that he has come before them three or four times already with the Table of Organization ordinance that lists out specific position titles, the authorized strength (number of positions) they are allowed to hire up to, the appropriated strength (what there is budgeted for), and a min-max pay range. They have experienced a couple of departures recently, and he is in the midst of restructuring wanting to move and rearrange how some positions report to other positions, possibly invent some new positions, and restructure parts of the organization. He would like to hire an HR Manager as soon as possible as that has been underserved. There are also some positions in public services that are being discussed with Ms. Bartlett. He stated he could continue to bring them an ordinance and continue what

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they are doing, but this produces some delay in the process as he cannot hire until the ordinance becomes effective. He prefers to repeal this Table of Organization ordinance as they already have oversight as part of the budget process giving him authority to hire personnel. He cannot exceed this without asking them for more budget money. He added that they are also in the middle of the Class Comp study, and he will bring them a formalized report for them to approve on what their compensation philosophy will be. In the meantime, if they allow the repeal this will allow him to hire personnel and restructure at the speed of business. He stated there is no requirement to adopt a Table of Organization ordinance per the Charter or Administrative Code; it has just been a standard of practice by the council. He wants to repeal this as an emergency given where they are with the need to fill an HR position, especially with other reorganization he would like to do.

Ms. Fry asked if they would still maintain pay ranges for the City. Mr. Rauch stated they would, and the Class Comp will help them establish new pay ranges. Once the study is concluded, and they have the new ranges, he would like to bring them a resolution that lays out Class A, Class B, etc... and then label what class each job falls into. Ms. Fry stated when they approve the budget they would have within that how many personnel are in each position and what the funds pay for. Mr. Rauch stated he intends to have for them within the budget where he can show a staffing table for each department that breaks apart the personnel cost. He plans to put in the budget the dollar figure and the number of positions are connected.

Mr. Joseph has stated he has been for this. He asked with the Class Comp study how that will impact their unions. Mr. Rauch stated they have deliberately structured the Class Comp study to look at every position in the city because they are about to start labor negotiations with each of the unions. He does not want to prejudge the conversations at this point. He doesn't know what that is going to look like, but the intention is to share with the unions the results of the study. This is what they will be using to index on the administrative side; they will carry the same findings into the labor negotiations. But, each one of those will be its own labor negotiation process with a give and take. Mr. Joseph asked if he was looking to have three different columns of positions or more along the lines of a pay scale. Mr. Rauch stated it was more like a pay scale; it depends on the deliverable they get from Clemans; they have not asked them to reinvent a civil service schedule. It is more for what the market rate is for a position and the high and low rate of that position. He added they can have a work session on this as he intends to come to them for a compensation philosophy, where they would like to pay within the range for a position. Mr. Joseph stated that the pay range only covers what they make and not all the other factors like sick time, vacation, insurance, etc... Mr. Rauch stated he did not want to get too far ahead of the Class Comp study. He stated he will prepare the ordinance to repeal and bring it to them at the next meeting.

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III. Rohrer Park Structure – Mr. Rauch stated that Rohrer Park Structure building is at a total loss due to the recent fire. The shell could be salvaged, but working with insurance there are two options. First, they will pay them \$250,000 to put the structure back to exactly what was there; or, they will pay them \$210,000 with no obligation to restore the structure. They can apply these funds to another facility or amenity for the park. He recommends they take the money and demolish the structure. They will earmark or reserve those funds for future improvements at Rohrer Park as they had a number of issues with the prior facility as far as break ins. The last time they had a sports use at the facility was about five years ago. Mrs. Franklin stated she agreed with Ms. Fry's comment last week to take the money and find something more functional that works for that neighborhood. Mr. Rauch stated they will reserve the funds and possibly have a future conversation with the Parks and Recreation board and/or Health and Safety commission about what is the best use for that park. Ms. Fry asked what the timetable for that discussion looks like. Mr. Rauch stated they take this to the parks and recreation board the next time they meet and introduce this. Over the long term, they would take the structure down, which will be between \$10,000 - \$20,000. This would leave them with roughly \$175,000 to reserve for a future amenity or improvement at the park. This is something they may want to contemplate as a capital budget. He also wants to reinvent their capital budget process, too, so they have a lot of 'red meat' to plug into that budget process this year. They can have immediate conversation on how to proceed and carry it over into the budget process.

IV. Revised Source Water Protection Code - Ms. Holt introduced Sarah Holod, Wellfield Protection Specialist for Public Health Dayton & Montgomery County, who has been working with the city on the water protection overlay, and now a water protection overlay text amendment. Ms. Holod presented information regarding the Source Water Protection area and it being a national and international model. It is used by the OEPA as a significant case study on how to develop and use a successful source water protection program. The goal of the Source Water Protection Program (SWPP) is to protect and preserve the groundwater resources that supply this region with our source of drinking water. She presented the history of the SWPP and the 1987 Sherwin Williams Fire that sparked initiative for the SWPP. In 1988, the Ohio EPA designated Dayton's well fields as groundwater under the influence recognizing that ground water and surface water interact. This provided additional resources on how they can better regulate and implement groundwater protection strategies. In 2013, the EPA required additional mandates for a water protection overlay. She provided information about the Great Miami Aquifer stating the glacial activity created a sand and gravel aquifer, which is extremely porous and permeable allowing rainwater or contaminants to infiltrate at a rapid rate. It is federally designated as a sole source aquifer as it supplies at least 50 percent of the drinking water consumed in the area overlying the aquifer and may have no alternative drinking water source(s) that could physically, legally, and economically supply all those who depend on the aquifer for drinking water. She stated it serves over 400,000 residents and hold over 1.5 trillion gallons. She presented the new SWPP map.

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The protection strategies are extended to businesses in this area making them available for incentives and risk reduction opportunities. She stated the WP Overlay and related revisions satisfies the OEPA's requirements for implementing mandated protective strategies while ensuring the program remains current. The last revision was in 1990. She stated it is important to know and regulate who is going to use the land above the sensitive area. They need to know what will be stored there, the toxicity level, and how Riverside benefits from the business there. She stated once water is contaminated it is difficult and costly to remediate along with chances for re-use decreasing. The amendments enhance the existing program with a multi-barrier approach, additional staff, technical consulting services, and increased groundwater monitoring capabilities. The SWPP was written to promote groundwater risk reduction while encouraging economic development.

Mayor Williams asked if this has been approved by the planning commission. Ms. Holt confirmed that it has. She added that they spent a lot of time finding the balance between protecting groundwater and protecting local businesses. Once approved, the city will send out a letter to businesses letting them know they are in the source water protection area. She stated there are benefits businesses can go to; there is a special box they can get that the fire department is the only one that has a key to it. It is expensive, but the Source Water Fund Board can pay for that. Getting businesses connected to resources where it may be costly, they can find funding for them. Mr. Rauch stated the SWP people are an asset to them. Unlike other communities in the metro, Riverside sits on top of the wells and that increases the complexity and often times difficulty of things like nuisance abatement, property maintenance problems, or illegal activities. He stated that Ms. Holod and her team have been a tremendous help for them along with the relationship with the city and Ms. Holt. He added they are very comfortable with what they will be bringing to them in the near future. Deputy Mayor Lommatzsch stated as they are approving this it is a good time to put information out to the community online and explain some of the Do's and Don'ts of what people should and should not be doing. Ms. Holt stated they have spoken to partners in Dayton as there are resources out there they can put on their website. There are also signs they can get that say, "Entering Sensitive Groundwater Area", and these signs can be paid for by the Fund Board. Mayor Williams stated the Fund Board makes it all worth it because many times people may look at environmental regulations and think they are trying to tell them what they can't do, but they are actually telling them they can help them get there with resources and not put them out. It will also help to educate the business community that this program is critical and get them connected to resources. Discussion continued on the importance of updates and educating the public.

Ms. Fry asked if the change is extending from the red line to the green area. Ms. Holt stated that the water protection area is made up of two areas: the water resource area, and the water protection area. The water protection area is more regulated with restrictions on land use. Ms. Holod does regular inspections in the area. This is the red

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line. The WR is the green line that is still monitored. They can ask those businesses there to give them an inventory of the chemicals they have and request inspection, but it is not as strictly regulated. They have regulations on the books for the red area. They are changing the language to be more consistent with the area from Wellfield Protection Overlay into Water Protection Overlay. They are changing some prohibited uses like adding truck terminals as a prohibited use. They are also allowing variances to try and have a balance between the business community and protecting the aquifer. If a business wants to increase their chemicals, they have to first apply to the city, and if they don't like their answer, they must go to the Fund Board to make their case, but they have to have the science behind why they can't have that amount of chemicals on their property. She added that the boundaries did change last year, and the city adopted it. Ms. Holod stated they added the green space. Ms. Fry stated they are now adopting the land use. Ms. Holt stated that was correct.

V. Revised Property Maintenance Code Update – Ms. Holt stated they have worked with Raftelis and their property maintenance staff to conduct a comprehensive review of the City's Property Maintenance Code (Chapter 1331 and 1343). They have been pushing hard the past few years to address property maintenance uses and concerns that residents have. Their hands have been tied by some of the restrictions in the code. Research was looked at in peer cities as well. City staff also reviewed sidewalk standards from other communities in the region to update Chapter 1341. She stated they found that about a third of their violations are repeat offenders. Grass and trash are more than 50 percent of the cases. The new code objectives identify what some of the property maintenance situations are, what is being in compliance and out of compliance with the code, what enforcement mechanisms bring properties into compliance with community standards and aligning sidewalk and curb regulations with current standards in the UDO and clearly stated ODOT requirements for sidewalk construction. She reviewed the key changes: consolidation of Chapter 1331 Property Maintenance Code and 1343 Nuisance Abatement, revision of noxious weeds and vegetation notification requirements, adding a repeat violator section, adding trailers under the Junk and Inoperable Vehicles Section and clarifying such, adding the ODOT standard to the sidewalk and curb section, and clearly identifying who waives the sidewalk requirement by consistently making it planning commissions decision. Mr. Rauch stated the entire revision will be in the packet for the council's review. The legal team and another firm is looking at it as well. They are trying to tighten up their processes. The two chapters talk about a lot of the same things so they are trying to smooth it all out so there is one consistent process. This is fair to the public and not trying to confuse the code but rather trying to clean it up. Mayor Williams asked when it comes to them will it come to them to adopt into Chapter 1331 or 1343 or will it become its own chapter. Mr. Rauch stated they will have an ordinance repealing Chapters 1331 and 1343 and replaces it with a new Chapter 1331 with the revised language. They will take it all out and put a new chapter back in.

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VI. CRA Technical Correction for Central and South CRAs – Mr. Rauch stated they have three CRAs: north, central, and south. This is a tool that amounts to a property tax abatement for qualified developments (commercial, residential, industrial, etc...). The districts have already been created, but they have to cut an agreement with any entity that wants to participate in that program. He presented the map of where these districts are. The districts do not overlap with city boundaries at present. He wants to bring a technical correction to them in May that will take the northern CRA and align boundaries better. One example is the proposed development at Union Schoolhouse, which is not in a CRA, but they are interested in participating in one. The second technical correction is in the current draft of the CRA language, it is a bit fuzzy with respect to multi-unit development. In October 2020, council adopted a correction to clarify that for the central district, but they want to have consistency for the other two CRAs as well and create that definition needed for consistency. The process for that is a resolution that would modify the boundaries and adopt the language changes for a new definition.

VII. Development Incentive Requests – Mr. Rauch stated that they have had two requests from developers regarding pursuing CRAs. The first is the proposed Redwood Development at 7544 Union Schoolhouse Road. The estimated impact of the development is a \$15 million investment. The developer in order to bring that development to life has to make some investments related to public infrastructure. One of the biggest is there is a sewer line that goes through there that would need to be relocated in order to accommodate the layout that they'd like to go for to help hit the density requirements and put units on the property. There is also a conservation easement at play, which is adjacent to a wetland. There's also some roadway right of way cleanup that needs to be done as well as utility poles. The estimated cost of making those improvements to those utilities is about \$1.5 million so about 10% of the project. When they look at a request like that, they are trying to think through what procedurally the policy about whether to grant that is. It is, of course, up to council, but the first question he asks is are there any real obstacles to this process-wise or procedure-wise. In order to actually calculate a CRA, they look at the change in property tax value from before and after and then abating a certain cost of that that would go back to the developer. They are not going to know what the potential change or property tax value is until they have a final site plan or a site plan that's very close to final. He stated that the developer is working in that direction so they're continuing to do that homework. The other process obstacle here is that this parcel is not in any CRA at the moment and so in order for them to qualify for one the city would have to change those boundaries as discussed earlier. Mayor Williams asked if altering the boundaries of the CRA council's discretion. Mr. Rauch stated he believed that it was but will verify the process. He believes they adopt a resolution that expands the boundaries set, then notify the Ohio Department of Development of those changes. Mayor Williams stated that they would be changing both the boundaries and the text of the existing CRA. Mr. Rauch stated that was correct. He recommends doing that even if they don't proceed with any incentives with developers just to be consistent for all of the CRAs.

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Mr. Rauch stated that for the proposed Redwood development itself the developer's request is that it involve having to move some public utilities, so there is a public expense connection there. The other side of this is that this is infrastructure that the city will not have to own or take care of. They are planned to be private roads. If the city were to accommodate this incentive request, then they would be providing the developer with a funding stream that that they could use to improve the utilities, and the city does not have to take care of the utilities after that. It will be their responsibility. It is relatively low risk. It is not a firm recommendation at this point; he is just sharing the information and something they may be able to entertain. They still need a final site plan to see what it would look like. He cannot tell them right now what it would take to get to this \$1.5 million; he does not know the rate and term needed to get there. They will continue to work on that. The other factor is that this parcel is in the Fairborn School District and is a consideration that council may want to think about as the process moves forward. A brief discussion was held on revenue and how it impacts the school districts.

Mr. Rauch stated they can have discussions with the developer at a future work session should council choose. Mr. Denning stated that if they do this deal, then it will only last 10 years meaning if they collect \$1.2 million that is all they will get, but if they collect \$1.8 million that is to their benefit. Mr. Rauch stated that was correct. That is the difference between a CRA and a TIF. If they did a TIF, they could come up with a separate agreement to redirect the dollars, but a CRA is a straight abatement to them. Mr. Denning stated the magic is determining what the time frame is to get them what they are asking for. Mr. Rauch stated that is what they will work out with the developer. Discussion continued on funding at 75 percent and what entities will get on the development versus no development.

Mr. Joseph asked if they should think of what the schools, what the county, what the city's fiscal impact for those houses are that additional infrastructure build is and to try to net zero and then just wait ten years then to actually start raking in more than what they have before. Mr. Rauch asked him if he was asking can they calculate effectively what the total cost of service is. Mr. Joseph asked for a ballpark figure on how much the county, the schools, and the city be impacted by new development. Then, they would use that to determine when they will cut even after "x" amount of time and wait that period out to get more money. Mayor Williams stated the drawback to him is the way the state law is written and the way they would go about establishing one of the agreements is based on percentages. For example, if the city gave the developer above 75% of any increase in value over a 10 year period, then they would have to give the school board in question fair warning, and they would have to agree to it. If they stay at 75% or below all they have to do is inform Fairborn that they are going to give this tax break. The only hurdle is that whatever number they might come up with internally, it doesn't mean it's going to automatically jive with what it is the state set up with standards for getting everybody's approval. Mr. Rauch stated they had already discussed with the developer the city not wanting to take on added expenses of roads.

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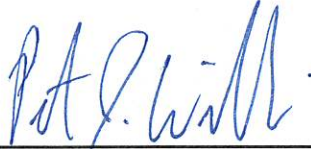
Discussion continued on the cost of progress. Mr. Rauch stated when information is more solidified he will bring it back to them.

Mr. Rauch stated the developer who wants to put in multi-family units by Glendean has also requested a CRA or some tax incentive. They do not have any information from the developer as of yet to compare like they did with Redwood. He does not know how much they would need or how that could offset any infrastructure. However, the developer wants to dedicate the infrastructure to the city, which he thinks materially changes the conversation. This is not as cut and dry as a private development. They will see what it amounts to. If council is interested in this developer, he can schedule that, but at this point he does not recommend it as they do not have a lot of information.

VIII. Stormwater Utility Fee Update – Ms. Bartlett stated that their next step is to put together a storm water policy manual that has to include everything that is in the storm water ordinance. She will meet with the city's engineering firm, CMT, to start the process. Their deadline for that is July 2023. The manual will have information and forms on how to get credit back, rain barrels, and different situations. Mr. Rauch stated he has procured the utility billing module from SSI that he is targeting for second quarter to have that configured. They are following the calendar he laid out last year. He has some preliminary calculations about potential rates and how they can be structured. They will look at the storm water plan generated years ago and the estimated capital costs. They will add some inflation factors as that was from 2016. As they are reorganizing, they will look at what the operating and personnel costs they are going to dedicate to storm water work and how much they can recover through the fee. He may not have a recommendation until December 2023 or even January 2024. They need time to build the operating infrastructure to figure out much they need to collect.

COUNCIL MEMBER COMMENTS: Mr. Denning thanked the fire department for showing up at the Jaycee's Easter Egg Hunt and doing their part. This is their 43rd year for the event.

ADJOURNMENT: Deputy Mayor Lommatzsch moved, seconded by Mr. Maxfield, to adjourn. All were in favor. The meeting adjourned at 7:15 pm.


Peter J. Williams, Mayor


Clerk of Council